

VZCZCXRO7654
PP RUEHROV
DE RUEHNR #1815/01 2101307
ZNY CCCCC ZZH
P 281307Z JUL 08
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 6589
INFO RUCNIAD/IGAD COLLECTIVE PRIORITY
RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 0173
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 6057
RUEHDJ/AMEMBASSY DJIBOUTI PRIORITY 5348
RUEHSB/AMEMBASSY HARARE PRIORITY 1639
RUEHKM/AMEMBASSY KAMPALA PRIORITY 2897
RUEHKH/AMEMBASSY KHARTOUM PRIORITY 2104
RUEHLO/AMEMBASSY LONDON PRIORITY 2878
RUEHFR/AMEMBASSY PARIS PRIORITY 2797
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY
RHMFISS/CJTF HOA PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 NAIROBI 001815

SIPDIS

E.O. 12958: DECL: 07/28/2018

TAGS: [PREL](#) [PGOV](#) [KDEM](#) [KBIO](#) [KE](#) [ZI](#)

SUBJECT: PRESIDENT AND PRIME MINISTER TELL CODEL PRICE
CONSTITUTIONAL REFORM IS TOP PRIORITY

REF: A. NAIROBI 1659

[B](#). NAIROBI 1698

[C](#). NAIROBI 1500

Classified By: Charge d'Affairs Pamela Slutz, reasons 1.4 (b,d).

[1](#)1. (U) CODEL Price has cleared on this cable.

Summary

[1](#)2. (C) In separate meetings held on July 3, CODEL Price heard from both President Mwai Kibaki and Prime Minister Raila Odinga that constitutional reform is one of the Grand Coalition Government's top priorities. Prime Minister Odinga also discussed at length the challenges Kenya faces in light of the wake of post-election crisis: the resettlement of internally displaced persons, reconstruction of damaged infrastructure, reconciliation among ethnic groups, and the need to stimulate economic growth. Odinga also briefly discussed the situation in Zimbabwe, commenting that based on recent discussions with other regional leaders, he thought that both President Robert Mugabe and opposition leader Morgan Tsvangirai were open to negotiating with one another. President Kibaki expressed optimism about constitutional reform and the resolution of issues that fuelled the post-election crisis in Kenya, particularly land reform. End Summary.

Attendees

[1](#)3. (U) Representative David Price (D-NC), Chairman of the House Democracy Assistance Commission (HDAC), met on July 3 with Kenyan Prime Minister Raila Odinga and President Mwai Kibaki. The meeting with Odinga and his staff was also attended by:

Representative Lois Capps (D-CA), HDAC member
Representative Keith Ellison (D-MN), HDAC member
Representative Jim Cooper (D-TN), HDAC member
Representative Mel Watt (D-NC)
Representative Brad Miller (D-NC)
Ambassador Michael Ranneberger, U.S. Ambassador to Kenya
John Lis, Staff Director, House Democracy Assistance Commission
Brad Smith, Professional Staff Member, House Committee on Rules

Barbara Chow, Policy Director, House Budget Committee
Tommy Ross, Legislative Assistant, Office of Representative Price
Rachael Leman, Policy Director, Office of Representative David Dreier
Nicholas Cook, Congressional Research Service
Lauren Ploch, Congressional Research Service
Dwight Al Smith, Embassy Control Officer
Rachael Doherty, Embassy notetaker

14. (U) The meeting with President Kibaki was attended by Minister of Foreign Affairs Moses Wetangula; Ambassador Chepsongol, Head of Americas Division, Ministry of Foreign Affairs; Representatives Price, Capps, Ellison, Cooper, and Watt; Ambassador Ranneberger; staffers Ross and Ploch; and embassy notetaker.

Prime Minister Odinga: Constitutional Reform Comes First

15. (C) On July 3, Prime Minister Raila Odinga and his staff met with the members of CODEL Price to discuss Odinga's views on Kenya's governmental structure and the way forward in the wake of the post-election crisis. Odinga explained that Kenya has inherited a mixed governmental system -- neither presidential nor parliamentary -- and that the disputed election (and hung Parliament) led to the need for a coalition government to form and implement the constitutional, land, and other reforms necessary to help Kenya move forward. Gaps in the constitution have led to

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regional imbalances and inequalities, Odinga said, and the post-election crisis has added serious challenges to coalition government. In addition to the estimated 1,500 deaths and 350,000 internally displaced people, approximately USD 500 million worth of property was destroyed. While the U.S. has provided valuable assistance, Odinga said, there is still a gap.

16. (C) When asked what issue tops his priority list for parliament to deliver, Odinga lamented that the Kenyan people have overly high expectations given the promises both parties made during the election campaign. That said, the two main political parties forming the coalition government (Odinga's own Orange Democratic Movement and President Kibaki's Party of National Unity) have harmonized their manifestos and identified long term and "mission critical" tasks to help boost Kenya's economic development for the next 22 years (ref C). Priority number one, however, would be the delivery of a new constitution, which he hoped would be tabled as a bill by April 2009 (ref B).

17. (C) Raila hastened to add that reconciliation, reconstruction, and resettlement in light of the post-election violence were top priorities along with constitutional reform. Other priorities included poverty and income disparity reduction as well as speeding economic growth. On the judicial reform front, Odinga said that he has asked the Chief Justice to improve the quality of service from judges by putting them on performance contracts. Odinga also said that he wants to introduce affirmative action into the parliament by creating elected seats for women only. This will provide more women an opportunity to get used to electoral politics so that they can more effectively run for seats in regular constituencies, he said.

Odinga: This Coalition Government is An Experiment

18. (C) When asked how he balances the job of Prime Minister of a coalition government with being the head of the Orange Democratic Movement, which ran as an opposition party, Odinga replied that the current coalition government is an

experiment for the continent of Africa and poses a serious challenge: "People expect miracles, but how do you unite two movements who were just at each others' throats?"

¶9. (C) Odinga explained how he is trying to transform the contentious relationships into cohesive ones that can work together to deliver reform to the Kenyan people. One of his first acts was to organize a "bonding session" with the cabinet, which also took the form of explaining how the cabinet process works. Second, Odinga designed a cabinet committee system to deal with the bloated but politically necessary cabinet. Cabinet members are divided into groups that oversee issues such as reconstruction, security, and social services and report to plenary sessions. While Odinga has emphasized that there will be no tolerance for corruption in the coalition government, he said that he has also emphasized the importance of not criticizing one another in public. Odinga noted that the success of the coalition government experiment will rest on reducing the tension, fear, and suspicion in cabinet.

Odinga on Zimbabwe: Both
Sides Wanted to Negotiate

¶10. (C) When asked about the situation in Zimbabwe, Odinga replied that President Kibaki had just spoken with Zimbabwe President Robert Mugabe on July 2 in Sharm el Sheikh. In Kibaki's view, Mugabe is ready to negotiate, but he wants to up the stakes, Odinga said. "This is the same thing (South African President Thabo) Mbeki told me when I was in Capetown: that both parties wanted to negotiate, but they wanted to do it at different times. Opposition leader Morgan Tsvangarai wanted to negotiate on the basis of the basis of the first election result. Mugabe wanted to negotiate from the position of President," Odinga said. "Now Mugabe is in a position where his party has no majority in parliament and he

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needs the opposition. Let's wait and see," Odinga concluded.

¶11. (C) Although he initially reminded the delegation that he had been deemed persona non grata in Zimbabwe after his strong remarks against Mugabe, Odinga did not rule out the possibility of playing a mediating role in the Zimbabwe crisis.

President Kibaki: Bullish on
Constitutional and Land Reform

¶12. (C) When asked about his priorities for delivering results to the Kenyan people, President Kibaki said that a new constitution is priority number one. The reform process has been going on for four years now and was nearly agreed but not completed, he said. "Now there is agreement on 96 percent of the constitution, and I think we'll reach an agreement over the remainder by this month or next month. The issue should be resolved by September," Kibaki predicted.

¶13. (C) Despite previous arguments about land ownership by different ethnic groups -- particularly in Rift Valley areas like Eldoret and Nakuru and in some areas of Coast Province -- Kibaki assured the group that people generally seem to agree on the way forward. While there are still some sticky issues, like deviating from traditions of inherited land ownership, communally owned land, and tribal land now belonging to wild game parks, Kibaki expressed confidence that they would be dealt with.

¶14. (C) On the question of how to heal the nation in the wake of the post-election violence, Kibaki said that the most important thing was to get people talking to one another. "These people have lived together for years," Kibaki said.

"Some are helping to rebuild their communities together, which begs the question, why were they fighting in the first place?" He added that the fact that many people from different ethnic groups are farmers, and planting crops together "will help quite a lot." Children were not as affected by the conflict as adults, Kibaki added, as they know no other home. "They are the ones who will help build a new country," he said.

Kibaki: No Confidence Vote on
Kimunya Didn't Focus On Issues

¶15. (C) When asked about his thoughts regarding the previous day's parliamentary vote to censure Finance Minister Amos Kimunya for his role in the Grand Regency Hotel scandal (septel), Kibaki expressed frustration with the tenor of debate among parliamentarians. "The debate quickly shifted to other matters... I couldn't see what they were arguing about, but I was pleased to see that Minister (Kinunya) remained cool," Kibaki said.

¶16. (C) Comment: The meeting with President Kibaki was late in the day, and as the meeting wore on his fatigue showed. He consistently glossed over difficult issues and at times did not appear to understand the questions being asked. On some occasions, Foreign Minister Wetangula stepped in to answer on Kibaki's behalf. The land issue was clearly on Kibaki's mind, and he formulated many of his answers around it even when the question did not touch on land at all. Odinga, on the other hand, appeared to be at the top of his game, nailing his talking points and answering questions diplomatically and clearly. End Comment.
SLUTZ